

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MARTAZE D. HAMMOND §
VS. § CIVIL ACTION NO. 1:11cv576
JODY R. UPTON §

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Martaze D. Hammond, formerly an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed this action seeking a court order directing the defendant to provide him with the personnel file of a correctional officer.

The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont Texas, for consideration pursuant to applicable orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this matter be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. Plaintiff filed objections to the Report and Recommendation. The court must therefore conduct a *de novo* review of the objections.

After carefully considering the objections filed by the plaintiff, the court is of the opinion the objections are without merit. The magistrate judge correctly concluded 28 U.S.C. § 1915(g) prevents plaintiff from proceeding with this matter without paying the filing fee.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered dismissing this lawsuit in accordance with the

recommendation of the magistrate judge.

SIGNED this the **10** day of **July, 2012**.



Thad Heartfield
United States District Judge